

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 454 Session of 2009

INTRODUCED BY BISHOP, COHEN, FABRIZIO, HARKINS, HENNESSEY,
PALLONE, READSHAW, SIPTROTH, SOLOBAY, STABACK AND YOUNGBLOOD,
FEBRUARY 13, 2009

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, FEBRUARY 13,
2009

AN ACT

1 Amending the act of June 22, 1970 (P.L.378, No.122), entitled
2 "An act concerning nursing homes; providing for the licensing
3 of persons charged with the general administration of such
4 homes; prescribing the powers and duties of the State Board
5 of Examiners of Nursing Home Administrators; fixing fees and
6 making certain acts unlawful," further providing for
7 functions and duties of the board.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 4(b) and (c) of the act of June 22, 1970
11 (P.L.378, No.122), known as the Nursing Home Administrators
12 License Act, are amended to read:

13 Section 4. Functions and Duties of the Board.--* * *

14 (b) The board or any committee or member thereof, acting in
15 an official capacity, shall have the authority to issue
16 subpoenas, compel the attendance of witnesses, administer oaths
17 and take testimony concerning all matters within the
18 jurisdiction of the board. Such board shall not be bound by the
19 strict rules of evidence in the conduct of its proceedings but

1 any determinations made shall be founded upon sufficient legal
2 evidence to sustain them. The right of appeal from decisions of
3 the board shall be in accordance with [the provisions of the act
4 of June 4, 1945 (P.L.1388), known as the "Administrative Agency
5 Law."]
6 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and
7 procedure of Commonwealth agencies) and 7 Subch. A (relating to
8 judicial review of Commonwealth agency action).

8 (c) The board shall also have the authority to make rules
9 and regulations, not inconsistent with law, as may be necessary
10 for the proper performance of its duties, and to take such other
11 actions as may be necessary to enable the Commonwealth to meet
12 the requirements set forth in appropriate Federal law, and other
13 pertinent Federal authority. The rules, regulations and actions
14 authorized under this subsection shall address at least the
15 following:

16 (1) Treatment of nursing home occupants, including paying
17 attention to their complaints.

18 (2) Possession of occupants' possessions and removal of
19 belongings by theft or otherwise.

20 (3) Personal bank accounts of occupants.

21 (4) Accounting of occupants' retirement and Social Security
22 payments.

23 (5) Burial expenses, including prepayment requirements.

24 (6) Exercise of occupants, especially where needed for
25 health purposes.

26 (7) Proper attention to bed-ridden occupants to avoid
27 bedsores.

28 Section 2. This act shall take effect in 60 days.